

Message Text

CONFIDENTIAL

PAGE 01 JEC PA 01797 221057Z

51

ACTION L-02

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R 221055Z JAN 75

FM USDEL JEC PARIS

TO SECSTATE WASH 0231

INFO USMISSION GENEVA

C O N F I D E N T I A L JEC PARIS 01797

E.O. 11652: GDS

TAGS: PARM, PFOR, ICRC, VN, VS

SUBJECT: PRG ISSUE AT LAW OF WAR CONFERENCE

1. WE WOULD APPRECIATE CLARIFICATION ON THE FOLLOWING
POINT ARISING FROM THE ANALYSIS IN STATE 270692, STATE
8672, AND STATE 8673.

2. IF THE CHAIRMAN DECLARES THAT RULE 32 APPLIES AND,
IF CHALLENGED, HE IS SUSTAINED BY A SIMPLE MAJORITY
OF THOSE PRESENT AND VOTING, THEN DOES THE CONFERENCE
PROCEED DIRECTLY TO THE SUBSTANTIVE QUESTION? IN OTHER
WORDS, IS A TWO-THIRDS VOTE TAKEN DIRECTLY ON A
SUBSTANTIVE MOTION ("RESOLVED THAT THE CONFERENCE
INVITE THE PRG") OR ON A PROCEDURAL MOTION ("RESOLVED
THAT THE CONFERENCE RECONSIDER THE QUESTION OF INVITING
THE PRG")? IF THE LATTER, THEN PRESUMABLY THERE WOULD
BE A FURTHER VOTE ON THE SUBSTANCE, IF TWO-THIRDS ARE
IN FAVOR OF RE-OPENING THE ISSUE.

3. GIST OF DEPARTMENT'S ANALYSIS SEEMS TO BE THAT THE
TWO-THIRDS VOTING WOULD BE ON SUBSTANCE, AND CERTAINLY
MOST OF THE VOTES WOULD BE MOTIVATED BY THE MEMBERS'
VIEWS ON THE SUBSTANTIVE ISSUE. BUT THE DISTINCTION
MIGHT BEAR CLARIFICATION NEVERTHELESS. IT COULD
AFFECT THE WAY IN WHICH VARIOUS DELEGATIONS WOULD VIEW
RULE 32 VS. RULE 35 PARA. 4.

WILLIAMS

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NNN

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